

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD WALKER,

Plaintiff,

CIVIL CASE NO. 05-40205

v.

MINNIE MARTIN, et al.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

Now before the Court are Defendants' Motion for Summary Judgment and the October 5, 2007, Report and Recommendation of Magistrate Judge Virginia M. Morgan. The Magistrate Judge's Report and Recommendation recommended that Defendants' Motion for Summary Judgment be granted and that the case be dismissed without the assessment of fees or costs. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. Plaintiff failed to file a response to the motion for summary judgment and has failed to file any objections to the Report and Recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to a report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v.*

Arn, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Morgan's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that Magistrate Judge Virginia M. Morgan's Report and Recommendation [docket entry #34] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [docket entry #33] is **GRANTED**.

IT IS FURTHER ORDERED that this cause of action is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Dated: November 2, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on November 2, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Michael D. Kennedy, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Donald Walker.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845